

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SAMUEL DIAZ,	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 21-241JJM
	:	
PATRICIA A. COYNE-FAGUE, et al.,	:	
Defendants.	:	

ORDER

Now pending before the Court are the motions of Plaintiff Samuel Diaz, a *pro se* prisoner at the Adult Correctional Institutions (“ACI”), (1) to compel the Court to produce a “copy of the remote hearing on 3-23-2022) zoom meeting,” ECF No. 160; and (2) to compel Defendants to produce more of the surveillance video of the November 23, 2016, incident in issue, for the period from 7:00 a.m. to 7:56 a.m. (the produced video begins at 7:56 a.m.). ECF No. 162; see ECF No. 161-1.

As to (1), the motion is denied. The only possible “copy of the remote hearing on 3-23-2022” available are any notes taken by the participants in the hearing (including Plaintiff) and the Court’s backup recording. The Court’s backup recording is maintained for administrative purposes and may not be provided to litigants. If a party wishes to obtain a transcript of a hearing, an order to have the hearing transcribed must be placed with a stenographer and a transcript will be created in consideration for payment of the price set by the Judicial Conference. *In forma pauperis* status does not automatically entitle a litigant to a transcript at public expense.

As to (2), the motion is denied as moot. Defendants’ response to the motion advises that, pursuant to the usual custom and practice of the Rhode Island Department of Corrections, the portion of the video from 7:00 a.m. to 7:56 a.m. was not saved; as a result, it has long since been

destroyed, no longer exists and cannot be produced. Accordingly, the motion to compel production of that portion of the video is denied.

Based on the foregoing, Plaintiff's motions to compel (ECF Nos. 160 and 162) are denied.

So ordered.

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
April 29, 2022